

REMARKS

Claim 31-35, 37-42, 44-48, and 52-56 are pending in the application and stand rejected. Entry of the present amendment and further examination of the present application in view of the following remarks is hereby requested.

Interview

Applicants' undersigned attorney wishes to thank Examiner Graham for the opportunity, on August 3, 2010, to conduct a telephonic interview regarding the pending Application. During the interview, Applicants' representative discussed the pending claims and their distinctions over the cited references. Agreement was reached on amendments that would, pending further review, overcome the 35 USC §102 rejection. No agreement was reached regarding the 35 USC §103 rejection. Should the Examiner have any questions or concerns that might be efficiently resolved by way of a telephonic interview, the Examiner is invited to call Applicants' undersigned attorney at 206-903-2474.

Claim Rejections – 35 USC § 102

Claims 31-35, 37-42, 44-48, and 52-56 stand rejected under U.S.C. §102(e) as being anticipated by Ogasawara et al. (hereinafter Ogasawara US Pub. No. 20020016739). Applicants traverse this ground of rejection and request reconsideration.

Ogasawara discloses a system for making available to consumers electronic information concerning shelf-life limitations of a particular product. The office action cites to Ogasawara paragraphs 0029, 0023-0025, 0009 and Fig. 4 as disclosing the features of claim 31.¹ These

¹ See office action p. 2:

As per claim 3 1, Ogasawara discloses a method of providing electronic receipts to a remote device comprising:
receiving, at a server, a receipt card account number ("i. e, IC Card with inherent account number") associated with a receipt card, wherein:
the receipt card identifies an electronic address of a database and includes information that identifies the receipt card account number, the database is communicatively coupled to the server; and the receipt card account number is not a payment account (see column 3 para 0029 and para and column 2 paras 0023-0025 and column 1 para 0009 and column 4 para 0033)

passages describe how an electronic receipt is generated in addition to a conventional paper receipt. The electronic receipt might be transferred to the consumer using an IC card including memory storage space into which an electronic receipt might be written. Alternatively, the electronic receipts are loaded into the file or memory storage area of each store's web server and made available for a customer to access and download. The customer must repeat this process for additional receipts from other stores. Moreover, as Ogasawara is directed to information regarding the storage life of products (see, e.g., paragraph 0009 of Ogasawara), specific methods for accessing electronic receipts from various merchants are not further discussed by Ogasawara.

In accordance with the interview conducted on August 3, Applicants have amended claim 31 to recite that the server is “configured to receive requests from a plurality of merchants for access to the database” and that each electronic receipt is “associated with at least one merchant of said plurality of merchants and each electronic receipt.” While Ogasawara discloses the storing of receipts on a store's server, Ogasawara does not disclose a server that is accessible to a plurality of merchants.

In further contrast, claim 31 recites a receipt card that “identifies an electronic address of a database and includes information that identifies the receipt card account number,” (2) “causing the database to be populated with electronic receipts associated with the receipt card account number,” and (3) “receiving, at the server, a request, from the remote device, for a specific electronic receipt associated with the receipt card account number” (emphases added). As shown by the discussion of Ogasawara above, the use of a receipt card that identifies a receipt card account number and using the receipt card account number to access stored electronic receipts from a plurality of merchants and associated with the receipt card account number is not

causing the database to be populated with electronic receipts associated with the receipt card account number, wherein each electronic receipt comprises:
a list of items purchased during a financial transaction, and unique transaction identification information for the financial transaction, receiving, at the server, a request, from the remote device, for a specific electronic receipt associated with specific the receipt card account number, accessing, at the server, the specific electronic receipt from the database and transmitting, from the server to said remote device, information indicative of said specific electronic receipt (see column 3 para 0029 and para and column 2 paras 0023-0025 and column 1 para 0009 and column 4 para 0033 and fig: 4).

disclosed by Ogasawara. Such a receipt card account number may be useful, for example, for storage and subsequent retrieval of receipts for a particular consumer from a plurality of stores.

Finally, the Examiner states that such a receipt card account number is inherent (Office Action page 2). As outlined in MPEP 2112, “The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic.” Furthermore, “to establish inherency, the extrinsic evidence ‘must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.’” MPEP 2112. As can be readily seen from the discussion outlined above, there is nothing in Ogasawara that suggests that a receipt card account number is necessary to retrieve the electronic receipt. Furthermore, Ogasawara discloses that the electronic receipts “are loaded into the file or memory storage area 22 of each store's web server” (emphasis added). Furthermore, the customer must access “each store's server 20 through the customer's Internet connection 20” and “by signing on to the Internet, and visiting each store's web site in sequence, the customer is able to download each electronic receipt maintained by each of the stores that customer has visited during the latest shopping trip” (emphasis added). Because each store only retains receipts for that store's transactions, the necessity of a receipt card account number is further diminished. Accordingly, a receipt card account number cannot be inferred based on Ogasawara.

For each of the foregoing reasons, Applicants respectfully submit that Ogasawara fails to teach each and every recitation of claim 31 and therefore Ogasawara fails to anticipate claim 31. Accordingly, Applicants respectfully request that the rejection of claim 31 under 35 U.S.C. § 102(b) as being anticipated by Ogasawara be withdrawn.

Claims 38, 45, 54, and 55 recite subject matter similar to those recitations of claim 31 mentioned above. Each of these claims recites the important aspect of a receipt card identification number. Applicants submit that Ogasawara fails to teach each and every recitation of claims 38, 45, 54, and 55 for at least those reasons that Ogasawara fails to teach at least “a

receipt card identification number.” Because Ogasawara fails to teach each and every recitation of claims 38, 45, 54, and 55, Ogasawara fails to anticipate claims 38, 45, 54, and 55.

Accordingly, Applicants respectfully request withdrawal of the rejections of claims 38, 45, 54, and 55 under 35 U.S.C. § 102(b) as being anticipated by Ogasawara.

Claims 32-35, 37, 39-42, 44, 46-48, and 56 depend from claims 38, 45, 54, and 55, and stand rejected under 35 U.S.C. § 102(b) as being anticipated by Ogasawara. Inasmuch as claims 32-35, 37, 39-42, 44, 46-48, and 56 depend from claims which are not anticipated by Ogasawara, Applicants submit that claims 32-35, 37, 39-42, 44, 46-48, and 56 are not anticipated by Ogasawara. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 32-35, 37, 39-42, 44, 46-48, and 56 under 35 U.S.C. § 102(b) as being anticipated by Ogasawara.

Claim Rejections – 35 USC § 103

Claims 52-53 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kramer et al. U.S. Patent No. 6,324,525 (hereinafter Kramer) in view of Shkedy U.S. Patent 6,236,972 (hereinafter Shkedy). Applicants traverse this ground of rejection and request reconsideration.

Regarding claim 52, the Examiner contends that Kramer discloses:

- generating point of sale data for a transaction, wherein the point of sale data identifies an item and a purchase price for the item;

- receiving a receipt card on which is imprinted an account number that identifies an electronic address of a receipt card server and identifies a receipt card account number,

- receiving a form of payment for the transaction, wherein the form of payment is one of cash and credit, wherein the receipt card is not a form of payment;

- generating unique transaction identification information;

- generating an electronic receipt that identifies the point of sale data, the receipt card account number, the unique transaction identification information, and the form of payment.

The Examiner cites Kramer column 103 lines 7-10 and lines 32-48, column 88 lines 24-28, column 92 lines 49-53, and column 102 lines 31-45 in rejecting the claim (Office Action page 7). Applicants respectfully disagree.

Kramer discloses the consummation of electronic transactions between electronic devices (see Abstract). The transactions are settled using a transfer of monetary value, which requires the use of a third-party settlement service. While the cited passages indicate that transaction records can be stored, the Examiner has not addressed at least the following features recited in claim 52:

1. “receiving a receipt card on which is imprinted an account number that identifies an electronic address of a receipt card server and identifies a receipt card account number.” Kramer does not disclose receipt cards, let alone receipt card account numbers.

2. “an electronic receipt that identifies the point of sale data, the receipt card account number, the unique transaction identification information, and the form of payment.” Kramer does not disclose an electronic receipt that identifies receipt card account numbers.

The Examiner has therefore not considered all of the claimed features as provided by MPEP 2143.03.

For at least the above reasons, Applicants submit that the Examiner has not established a prima facie case of obviousness per MPEP 2142 and that claim 52 is not rendered obvious by Kramer alone or in combination with Shkedy. Since the combination fails to disclose all of the elements of independent claim 52, dependent claim 53 cannot be rendered obvious by the cited combination per MPEP §2143.03. Applicants respectfully request reconsideration and withdrawal of the 35 USC §103 rejection.

DOCKET NO.: **VE-0002
Application No.: 10/016,575
Office Action Dated: June 8, 2010

PATENT

CONCLUSION

In light of the amendments and comments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Respectfully submitted,

Date: August 9, 2010

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